

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,	)	4:05CR3082-2
	)	
Plaintiff,	)	<b>MEMORANDUM</b>
vs.	)	<b>AND ORDER</b>
	)	
ERIKA M. PENA,	)	
	)	
Defendant.	)	

This matter is before the court on a report and recommendation by Magistrate Judge Piester (filing 39), recommending denial of Defendant's motion to suppress (filing 24). Judge Piester's findings and conclusions were announced at the end of a hearing on the motion that was held on November 23, 2005. See Transcript (filing 42) at 11-12. No statement of objections to the report and recommendation has been filed pursuant to NECrimR 57.3 and 28 U.S.C. § 636(b)(1).

I have conducted a de novo review of the record. I find that inasmuch as the Magistrate Judge has fully, carefully, and correctly found the facts and applied the law, the report and recommendation should be adopted and Defendant's motion to suppress should be denied in all respects.

IT IS ORDERED that:

1. the Magistrate Judge's report and recommendation (filing 39) is adopted; and
2. Defendant's motion to suppress (filing 24) is denied in all respects.

December 20, 2005.

BY THE COURT:

*s/ Richard G. Kopf*  
United States District Judge